

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 16, 2004

Regulation Package #0703-17

CDSS MANUAL LETTER NO. EAS-04-04

TO: HOLDERS OF THE EAS MANUAL

Regulation Package #0703-17**Effective 4/15/04****Sections 42-710, 42-711, and 82-812**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm.

Welfare and Institutions Code Section 11203(b)(1), provides that children who have been removed from the home shall be considered temporarily absent if the county determines that CalWORKs services are necessary for family reunification. In declaring that the children removed from the home are to be considered temporarily absent, the statute has conferred a "recipient" status upon these parents to enable the provision of CalWORKs activities and services, including supportive services, to help them reunify their family. Also, upon further consideration of the family reunification program's criteria and potential effect on parents: 1) CalWORKs services are needed for family reunification rather than employment; 2) the likely limitation on work-related activities to which reunification parents would be assigned; and 3) the elimination of cash aid, warrants the tolling of the 18- or 24-month time limit during an individual's participation in CalWORKs family reunification.

Also, Section 42-711.61 has been modified to specify that counties utilizing a family reunification plan, in lieu of a welfare-to-work plan, notify individuals, in writing, of their eligibility for CalWORKs services as provided for in their family reunification plan. This modification is necessary to ensure that an individual, who the county has determined is in need of CalWORKs services, is informed of her/his eligibility for CalWORKs services as provided in the family reunification plan.

These regulations were considered at the Department's public hearing held on August 20, 2003.

FILING INSTRUCTIONS

For all pages in this manual letter, revisions are indicated by a vertical line in the left margin. Revisions shown in graphic screen will continue to be shown in that manner on the other pages of this manual until those pages are released in a manual letter. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-04-03.

<u>Page(s)</u>	<u>Replace(s)</u>
225.1	Page 225.1
228	Page 228
236 through 239	Pages 236 through 239
911.1 through 911.3	Pages 911.1 through 911.3

Attachments

RG

This page is intentionally left blank.

42-710	18- AND 24-MONTH TIME LIMITS (Continued)	42-710
---------------	---	---------------

- .31 If an individual has received aid for a cumulative period of more than 18 or 24 months, as specified in Section 42-710.1 or .2, as applicable, and returns to aid after a break in aid of at least one month, the CWD shall determine whether to require the individual to participate in community service in accordance with Section 42-711.9 or in welfare-to-work activities described in Section 42-716.
- .4 No month in which aid has been received prior to January 1, 1998 shall be taken into consideration in computing the required 18- or 24-month time limits.
- .5 For purposes of these time limits, "no job is currently available" means that the recipient has taken and continues to take all the steps to apply for appropriate positions and has not refused an offer of employment without good cause.
- .6 A month of receipt of aid shall not count toward the 18- or 24-month time limit period when it is a month in which the individual is:
 - .61 Not required to participate in welfare-to-work activities because he/she is exempt from participation, in accordance with Section 42-712 et seq., and the condition is expected to last for at least 30 days,
 - .62 Required to participate in, participating in, or exempt from the Cal-Learn Program, in accordance with Section 42-712.11.
 - .63 Sanctioned and removed from the assistance unit in accordance with Section 42-721.4, or,
 - .64 Participating in an approved SIP and participation is interrupted for good cause. (See Section 42-711.546.)
 - .65 Identified as a past or present victim of domestic abuse and the county has waived the time limit as described in Section 42-713.221.
 - .66 A reunification parent pursuant to the temporary absence/family reunification provisions of Section 82-812.68.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10532(c)(2), 11203, 11320.1(c) and (d), 11320.3(a) and (b), 11322.6(f), 11322.9, 11325.21, 11325.23(c), 11325.4, 11327.5(c), 11454, 11454.5(a), 11495.1, and 16501.1(d) and (f)(11), Welfare and Institutions Code.

This page is intentionally left blank.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
---------------	---	---------------

(Continued)

.5 Assignment of Recipients to Welfare-to-Work Activities

- .51 After aid has been granted, recipients who are not exempt in accordance with Section 42-712, shall participate in welfare-to-work activities in the following sequence.

HANDBOOK BEGINS HERE

- .511 Division 21, which includes provisions regarding nondiscrimination and the communication needs of limited English-proficient clients, applies to welfare-to-work activities and services.

HANDBOOK ENDS HERE

- .512 A county shall provide welfare-to-work activities and services to a reunification parent, including a sanctioned individual, pursuant to the temporary absence/family reunification provisions of Section 82-812.68, and the county child welfare services agency determines that such services are necessary for family reunification.

.52 Appraisal

- .521 Recipients are required to participate in the appraisal specified in Section 42-711.522. At the option of the CWD, applicants may voluntarily participate.
- .522 Prior to or during the appraisal, the CWD shall inform the individual in writing of the following:
- (a) The requirement to participate in available welfare-to-work activities and a general description of the time limits in Section 42-710.

This page is intentionally left blank.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
---------------	---	---------------

(Continued)

.571 If a participant is determined to have a substance abuse problem, based on an evaluation by the county alcohol and drug program or a state-licensed or certified nonprofit agency, the case manager shall develop the participant's welfare-to-work plan based on the results of that evaluation. In such a case, the participant's welfare-to-work plan may include appropriate treatment requirements, including assignment to a substance abuse program.

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

.581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in Section 42-716.111 including referrals to the participant's previous activities.
- (b) Existing special programs that meet specific needs of the participant.
- (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.
- (d) Assessment or reappraisal in accordance with Sections 42-711.55 and .7, respectively.
- (e) Rehabilitation assessment and subsequent training.

.582 The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process, specified in Section 42-721.5, as other program participants.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued)	42-711
--------	---	--------

.6 Welfare-to-Work Plan

- .61 After assessment, or a determination by the county child welfare services agency that CalWORKs services are necessary for family reunification, any recipient of aid or reunification parent pursuant to Section 82-812.68 who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible. However, the county may elect to utilize a reunification plan as defined in Section 80-301(r)(5) in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a reunification plan under the temporary absence/family reunification provisions of Section 82-812.68. If the county uses the family reunification (FR) plan in lieu of the WTW plan the county shall inform the individual, in writing, regarding his/her eligibility for CalWORKs family reunification services, and include a reference to the FR plan and the county child welfare service agency.
- .611 The plan shall include the activities and services that will move the participant into employment and toward self-sufficiency.
- .612 A copy of the complete, signed plan shall be provided to the participant.
- .62 A participant shall take part in one or more welfare-to-work activities, as defined in Section 42-716, for the required minimum hours provided in the welfare-to-work plan until he or she has reached the 18- or 24-month time limit.
- .63 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.
- .631 The plan shall contain at least, but is not limited to, the information provided to the individual pursuant to Sections 42-711.522(b), (c)(1) and (2), and (d)(2).
- .632 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.
- (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such hours by the parent shall count toward the required hours of participation as defined in Section 42-711.4.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
---------------	---	---------------

(Continued)

- .633 Participation in activities assigned under the welfare-to-work plan may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's welfare-to-work plan, and the activities can be concurrently scheduled.
- .634 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as specified in Section 42-716.111(k).
- .635 The participant shall maintain satisfactory progress in the activities to which the participant is assigned, and the CWD shall provide the necessary supportive services as set forth in the plan.
- .636 The CWD shall allow the participant three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan in which to evaluate, and request changes to, the terms of the plan.
- .637 The participant has 30 days from the beginning of the initial welfare-to-work activity in which to request a change or reassignment to another activity or component of the activity.
 - (a) The CWD shall grant the participant's request for reassignment if another assignment is available and consistent with the individual's welfare-to-work plan and the CWD determines the other activity will readily lead to employment.
 - (b) This grace period will be available only once to each participant.
- .638 If an activity to be provided under the welfare-to-work plan is not immediately available to the participant, he or she shall be assigned to job search and/or job readiness activities until the education or training activity designated in the plan is available.
 - (a) Job search activities are subject to the limits described in Section 42-711.53.

HANDBOOK BEGINS HERE

- (b) The number of weeks during which an individual's participation in job search and job readiness activities will count toward meeting the federal work participation rates is limited by federal law. See Section 42-714.3(f).

HANDBOOK ENDS HERE

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
---------------	---	---------------

(Continued)

- .64 A participant shall be provided written notice of the availability of paid child care, pursuant to Section 47-301.2, when he or she signs an original or amended welfare-to-work plan.
- .7 Reappraisal
- .71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan, unless the participant has reached the 180 or 24-month time limit. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area.
- .711 If the CWD determines that extenuating circumstances exist, the participant shall be assigned to additional activities consistent with the appraisal.
- .712 If extenuating circumstances do not exist, and until the CWD reverses this determination or the participant reaches the 18- or 24-month time limit, the participant is required to participate for the required minimum hours in activities that are limited to the following:
- (a) Unsubsidized employment.
 - (b) Work experience as defined in Section 42-701.2(w)(1).
 - (c) Self-employment.
 - (d) Job skills training directly related to employment.
 - (e) Mental health, substance abuse, and/or domestic abuse services in accordance with Sections 42-716.5, 42-716.6, and 42-716.111(q), respectively.
- .8 Satisfactory Participation
- .81 The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively, unless the participant is exempt from the participation and compliance requirements pursuant to Section 42-721.13.
- .811 The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned.

ELIGIBILITY AND ASSISTANCE STANDARDS**Regulations****ASSISTANCE UNIT****82-812 (Cont.)**

82-812 TEMPORARY ABSENCE (Continued)**82-812**

- .684 Reunification parents are eligible for welfare-to-work services as described in Section 42-700 et seq.
- .685 Reunification parents are eligible for supportive services pursuant to Section 42-750.
- .686 Reunification parents are subject to the rules regarding supportive services underpayments and overpayments as set forth in Section 42-751.
- .687 The following are eligibility and reporting requirements that will apply to the family reunification parent.
- (a) Monthly eligibility reporting requirements for reunification cases are set forth in Section 40-181.223.
 - (b) The reunification case will be subject to an eligibility redetermination every six months pursuant to Section 40-181.1(e)(4).
 - (c) An eligibility redetermination pursuant to Section 40-181.1(e)(5) will be conducted to restore cash aid to the CalWORKs case when an AU is reunified.
 - (d) Pursuant to Section 42-711.61, the county may utilize the county child welfare services agency reunification plan as defined in Section 80-301(r)(5) as the required welfare-to-work (WTW) plan or amend the WTW plan and include all or part of the WTW activities in the reunification plan.
 - (e) Pursuant to Section 42-711.512 and Section 42-721.413, reunification parents who are subject to a WTW sanction, including a second or third instance sanction, are not precluded from receiving CalWORKs reunification services. Participation in a family reunification plan will also count toward any required sanction period.

82-812	TEMPORARY ABSENCE (Continued)	82-812
---------------	--------------------------------------	---------------

(f) For Maximum Family Grant purposes and pursuant to Section 44-314.2, a month in which children are temporarily absent from the home shall be considered a month in which the AU did not receive aid.

.688

The county child welfare services agency may grant a good cause extension to the 180-day temporary absence in the following situations:

(a) An extension is needed for the number of days between the date of the children's removal and the date the court orders a reunification plan.

(b) The county child welfare services agency determines that additional time is needed, beyond the 180 days, to complete the reunification plan. This extension can be in effect until termination of the family reunification plan.

HANDBOOK BEGINS HERE

(c) Example of Good Cause Extension of 180-day Family Reunification Plan

A family consists of a parent and two children. The children are removed by the county child welfare services agency on June 14, 2003. The parent has completed all of the requirements of the Family Reunification Plan by February 1, 2004. However, the social worker in the case recommends to the court, and the court agrees, that the parent needs an additional six months of services. A six-month extension is ordered by the court and the parent receives an extension of CalWORKs services which ends on July 31, 2004.

HANDBOOK ENDS HERE

ELIGIBILITY AND ASSISTANCE STANDARDS

Regulations**ASSISTANCE UNIT****82-820 (Cont.)****82-812 TEMPORARY ABSENCE (Continued)****82-812**

- .7 Documentation of
Temporary Absence

The county shall document the basis for the temporary absence.

[Previous cite: 44-203.22(a)(3), 42-500]

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11203, 11269, 11323.4, and 11454, Welfare and Institutions Code; and 42 USC 408(a)(10).

82-820 INCLUDED PERSONS**82-820**

- .1 Assistance Unit

An AU shall be established when all eligibility factors have been determined.

- .2 Minimum Requirements

An AU shall have at least one of the following:

- .21 Child

One eligible child.

- .22 Caretaker
Relative

A caretaker relative of an SSI/SSP child, Kin-GAP child or of a child receiving federal, state or local foster care maintenance payments. For purposes of this section, local foster care maintenance payments are payments made with county-only funds for the board and care costs of children in 24-hour out-of-home care who have an open child welfare services case file.

- .23 Pregnant Woman

A pregnant woman.

- .24 Relative of GAIN
Sanctioned Child

A relative of a child who is sanctioned by GAIN.

- .3 Mandatory Inclusion

The AU shall include the following persons when living in the same home and eligible:

- .31 Applicant Child

The applicant child.

- .32 Siblings

Any eligible sibling or half-sibling of the applicant child who meets the age requirement.

- .33 Parents

Any parent, except for alternatively sentenced parents, of:

This page is intentionally left blank.